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PAGES (WITH COVER)

0901

REFERENCE NO

45738-296417

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COMMENTS

In re Application of Muldoon et al.
U.S. Patent Application No. 10/789,433
Filed: February 27, 2004

Papers enclosed:

Amendment Transmittal
Response to Election/Restriction Requirement

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ATLANTA AUGUSTA CHARLOTTE LONDON NEW YORK RALEIGH STOCKHOLM WASHINGTON WASHINGTON D.C.
US20009509470.1

PATENTS

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Docket No. 19596-0571 (45738-296417)

MULDOON et al.

Serial No. 10/789,433

Filed: February 27, 2004

For: COMPOSITIONS AND METHODS FOR THE SPECIFIC DETECTION OF MAMMALIAN
MUSCLE PROTEIN

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a paper in the above-identified application.

- Response to Election/Restriction Requirement.
- Applicant claims small entity status.
- No additional fee is required.
- The additional fee is calculated as shown below:

						SMALL ENTITY		OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDT. FEE	RATE	ADDT. FEE
TOTAL	19	MINUS	20 =	0		x25	\$	x50	\$
INDEP.	4	MINUS	4 =	0		x100	\$	x200	\$
FIRST PRESENTATION OF <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS					+180	\$	+360	\$	
					TOTAL ADDITIONAL FEE	\$ 0			\$

- The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16, or credit any overpayment, to Account No. 11-0855.

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ATTORNEY DOCKET NO. 45738-296417

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
MULDOON ET AL.)
Serial No. **10/789,433**) Art Unit: **1645**
Filed: **FEBRUARY 27, 2004**) Examiner: **Hines, Jana. A**
For: **COMPOSITIONS AND METHODS FOR
THE SPECIFIC DETECTION OF
MAMMALIAN MUSCLE PROTEINS**)

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Election/Restriction Requirement mailed August 24, 2006, the Examiner required restriction of the above-identified patent application to one of the following patentably distinct inventions:

Group I: Claims 1-8 directed to a ligand specific for mammalian troponin, wherein the ligand comprises a molecule that binds to a mammalian molecule, but not an avian troponin molecule, wherein the ligand is an antibody produced by immunizing an animal with a peptide having one of the amino acid sequences selected from the group consisting of SEQ ID NO: 2-6, 9-13 and 15-35;

Group II: Claim 9 directed to an antigen for the production of an antibody specific for mammalian troponin molecule, wherein the antigen comprises an isolated peptide having one

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Response to Restriction Requirement

Serial No. 10/789,433

Page 2

of the amino acid sequences selected from the group consisting of SEQ ID NO: 2-6, 9-13 and 15-35;

Group III: Claims 10-18 directed to an assay for detecting a mammalian troponin molecule in a sample, the assay comprising: a reaction step and a detecting step, wherein the ligand is an antibody produced by immunizing an animal with a peptide having one of the amino acid sequences selected from the group consisting of SEQ ID NO: 2-6, 9-13 and 15-35;

Group IV: Claim 19 directed to a method of making an antibody that is specific for a mammalian troponin molecule and not specific for an avian troponin molecule, comprising administering to an animal an immunogenic amount of a peptide having one of the amino acid sequences selected from the group consisting of SEQ ID NO: 2-6, 9-13 and 15-35.

In addition, the Examiner requested election of one specific sequence for the associated Group election.

In response to the Restriction Requirement, Applicants elect Group III directed to Claims 10-18. Furthermore, Applicants elect with traverse, amino acid sequence SEQ ID NO: 2 as the sequence associated with the group election.

Applicants respectfully submit amino acid sequences SEQ ID NO: 2-6, 9-13 and 15-35 share physical and functional characteristics. In Group III, each amino acid sequence may be used to immunize an animal, which in turn elicits an immune response. Clearly, all amino acids sequences listed in the Markush Group are related because they are amino acid sequences. Additionally, each amino acid must functionally elicit an immune response (production of antibodies) when administered to an animal. Applicants respectfully submit that each amino acid sequence listed in Group III (Claims 10-18) share a physical and functional characteristic and should therefore be examined on their merit.

Response to Restriction Requirement

Serial No. 10/789,433

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No additional fees are believed due; however the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account number 11-0855.

Respectfully submitted,



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